

SENATE BILL 737

J2, J1, J3

2lr2423
CF HB 1118

By: **Senator Rosapepe**

Introduced and read first time: February 3, 2012

Assigned to: Finance and Education, Health, and Environmental Affairs

Reassigned: Finance, February 8, 2012

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2012

CHAPTER _____

1 AN ACT concerning

2 **Nursing Home Administrator License – Revocation or Surrender – Ban on**
3 **Employment**

4 FOR the purpose of prohibiting certain nursing homes or nursing home management
5 firms from knowingly employing or retaining as a consultant an individual who
6 has surrendered a nursing home administrator license under certain
7 circumstances to the State Board of Nursing Home Administrators or has had a
8 nursing home administrator license revoked by the Board based on certain
9 grounds for discipline except in certain circumstances; prohibiting the
10 Department of Health and Mental Hygiene from reimbursing certain nursing
11 homes, related institutions, or management firms of certain nursing homes or
12 related institutions under the Maryland Medical Assistance Program if the
13 facility, related institution, or firm knowingly employs or retains as a consultant
14 a certain individual who has surrendered a certain license under certain
15 circumstances or has had a certain license revoked under certain circumstances;
16 defining a certain term; and generally relating to prohibiting nursing homes,
17 related institutions, and management firms of nursing homes and related
18 institutions from knowingly employing an individual who has surrendered a
19 nursing home administrator license or has had a nursing home administrator
20 license revoked.

21 BY adding to
22 Article – Health Occupations
23 Section 9–314.2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2011 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Health – General
5 Section 15–114(a) and (b)
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2011 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 15–114(c)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)

13 BY adding to
14 Article – Health – General
15 Section 15–114(f)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health Occupations**

21 **9–314.2.**

22 (A) IN THIS SECTION, “NURSING HOME MANAGEMENT FIRM” MEANS AN
23 ORGANIZATION THAT:

24 (1) IS INTENDED TO HAVE OR HAS FULL RESPONSIBILITY AND
25 CONTROL FOR THE DAY–TO–DAY OPERATIONS OF A NURSING HOME; AND

26 (2) IS UNDER CONTRACT WITH:

27 (I) AN APPLICANT FOR A LICENSE FROM THE SECRETARY
28 TO ESTABLISH, OPERATE, OR CONTINUE THE OPERATION OF AN EXISTING
29 NURSING FACILITY; OR

30 (II) A HOLDER OF A LICENSE FROM THE SECRETARY TO
31 OPERATE A NURSING FACILITY.

32 (B) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
33 SUBSECTION, A NURSING HOME OR A NURSING HOME MANAGEMENT FIRM MAY
34 NOT KNOWINGLY EMPLOY OR RETAIN AS A CONSULTANT AN INDIVIDUAL WHO,

1 FOR AN ACTIVITY DESCRIBED IN § 9-314(B)(8), (9), OR (10) OF THIS SUBTITLE,
 2 HAS SURRENDERED A LICENSE UNDER § 9-313 OF THIS SUBTITLE OR HAS HAD A
 3 LICENSE REVOKED UNDER ~~§ 9-314(B)(8), (9), OR (10)~~ § 9-314 OF THIS
 4 SUBTITLE.

5 (2) A NURSING HOME OR NURSING HOME MANAGEMENT FIRM
 6 MAY HIRE OR RETAIN AS A CONSULTANT AN INDIVIDUAL WHO HAD A LICENSE
 7 REVOKED UNDER THIS SUBTITLE, BUT HAD THEIR LICENSE RESTORED BY THE
 8 BOARD, AND WHO IS NOW A LICENSEE IN GOOD STANDING UNDER THE
 9 PROVISIONS OF THIS TITLE.

10 Article – Health – General

11 15–114.

12 (a) In this section, “related institution” includes any of the following
 13 facilities, as classified from time to time by law, rule, or regulation:

- 14 (1) A comprehensive care facility;
 15 (2) An extended care facility;
 16 (3) An intermediate care facility; and
 17 (4) A skilled nursing facility.

18 (b) This section applies only to the extent that federal funds are available for
 19 reimbursement under this section.

20 (c) [In] **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,**
 21 **AND IN** accordance with subsection (e) of this section, the Department shall reimburse
 22 each hospital–based related institution that:

- 23 (1) Is a distinct part of an acute or chronic hospital; and
 24 (2) On and after July 1, 1980, is licensed as a related institution.

25 **(F) (1) IN THIS SUBSECTION, “MANAGEMENT FIRM” MEANS AN**
 26 **ORGANIZATION THAT:**

27 **(I) IS INTENDED TO HAVE OR HAS FULL RESPONSIBILITY**
 28 **AND CONTROL FOR THE DAY–TO–DAY OPERATIONS OF A NURSING HOME OR**
 29 **RELATED INSTITUTION; AND**

30 **(II) IS UNDER CONTRACT WITH:**

1 1. AN APPLICANT FOR A LICENSE FROM THE
2 SECRETARY TO ESTABLISH, OPERATE, OR CONTINUE THE OPERATION OF AN
3 EXISTING NURSING HOME OR RELATED INSTITUTION; OR

4 2. A HOLDER OF A LICENSE FROM THE SECRETARY
5 TO OPERATE A NURSING HOME OR RELATED INSTITUTION.

6 (2) THE DEPARTMENT MAY NOT REIMBURSE A NURSING HOME
7 OR RELATED INSTITUTION IF THE NURSING HOME OR RELATED INSTITUTION OR
8 A MANAGEMENT FIRM OF A NURSING HOME OR RELATED INSTITUTION
9 KNOWINGLY EMPLOYS OR RETAINS AS A CONSULTANT AN INDIVIDUAL WHO, FOR
10 AN ACTIVITY DESCRIBED IN § 9-314(B)(8), (9), OR (10) OF THE HEALTH
11 OCCUPATIONS ARTICLE, HAS:

12 (I) ~~SURRENDERED~~ SURRENDERED A NURSING HOME
13 ADMINISTRATOR LICENSE UNDER § 9-313 OF THE HEALTH OCCUPATIONS
14 ARTICLE; OR ~~HAS~~

15 (II) HAS HAD A NURSING HOME ADMINISTRATOR LICENSE
16 REVOKED UNDER ~~§ 9-314(B)(8), (9), OR (10)~~ § 9-314 OF THE HEALTH
17 OCCUPATIONS ARTICLE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.